

United States Court of Appeals For the First Circuit

No. 05-1028

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#56

UNITED STATES,

Appellee,

v.

ORLANDO FONTANEZ-OTERO,

Defendant, Appellant.

Before

Torruella, Selya and Howard,
Circuit Judges.

JUDGMENT

Entered: October 11, 2006

Pending before the court is counsel's motion to withdraw and accompanying brief pursuant to Anders v. California, 386 U.S. 738 (1967). After careful review of counsel's brief and the underlying record, we conclude that there are no non-frivolous issues for appeal.

The record reveals inconsistencies, however, between the oral and written versions of the November 12, 2004 judgment of revocation, specifically concerning the administration of drug testing and treatment. We therefore direct the district court to correct the written judgment to conform with the oral directives concerning drug testing and treatment that it prescribed at the November 12, 2004 final revocation hearing.

Counsel's motion to withdraw is granted and the judgment below is affirmed, as corrected.

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AND IN MY LEGAL CUSTODY.

By the Court:

Richard Cushing Donovan, Clerk.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By: *[Signature]* Date: *10/11/06*

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By: _____
Chief Deputy Clerk.

[certified copies: Honorable Juan M. Perez-Gimenez, Frances De Moran, Clerk United States District Court for the District of Puerto Rico]

[cc: Mariangela Tirado-Vales, Esq., Francisco A. Ojeda Diez, Esq., Irene C. Feldman, AUSA, Daniel P. Saumur, Esq., Nelson J. Perez-Sosa, AUSA]